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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,803

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Gregory A. Dunko

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04/16/2008

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EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT

PAPER NUMBER

2618

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/711,803

**Applicant(s)**

DUNKO ET AL.

**Examiner**

BOBBAK SAFAIPOUR

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/2007 has been entered.

**Claims 1-18** are still pending in the present application.

***Response to Arguments***

Applicant argues that none of the cited references, taken alone or in any proper combination, disclose, suggest or teach detecting when a visiting PTT/M equipped mobile device is physically located on-site.

The Examiner respectfully disagrees. Westman discloses that on entering the conference room, or in being present in the conference room (read as mobile device is physically located on-site), the terminals receives the registration request signal on their local communication link. (paragraph 33)

It has been shown that a visiting PTT/M equipped mobile device is physically located on-site is taught in the Westman reference. If the Applicant intends to differentiate between the terminal entering the conference room of the Westman reference and a visiting PTT/M equipped mobile device is physically located on-site, then such differences should be made explicit in the claims.

Furthermore, Applicant argues that none of the cited references, taken alone or in any proper combination, disclose, suggest or teach wherein two-way PTT/M communications are allowed among the visiting PTT/M equipped mobile device and the site based PTT/M equipped devices while the visiting PTT/M equipped device is physically on-site, communications not being allowed between the visiting PTT/M equipped mobile device and other visiting PTT/M equipped mobile devices.

The Examiner respectfully disagrees. Westman discloses the conference provider, wishing to establish a temporary user group amongst attendees of the conference, has a computer terminal 104 which is connected via communication lines 108 to a local transmitter/receiver 106

(figure 1; paragraph 28). The communication links of the mobile terminals 110 and 112 are open to receive broadcast messages from the transmitter/receiver 106 (read as visiting PTT/M equipped mobile device and the site based PTT/M equipped devices). The computer controls the transmitter/receiver 106 to broadcast a registration request. On entering the conference room, or in being present in the conference room, the terminals 110 and 112 receives the registration request signal on their local communication link (figure 1; paragraph 33).

As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 1 and 10** rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**Claims 1 and 10** recite the limitation “communications not being allowed between the visiting PTT/M equipped mobile device and other visiting PTT/M equipped mobile devices” on lines 19-21 of claim 1 and on lines 20-22 of claim 10.

Paragraph 14 of the present application discloses “Once the customer has been added to the site dependent buddy list he is free to engage in communication 230 with other members of the site dependent buddy list.”

Paragraph 19 of the present application discloses “The mobile device then updates its PTT/M buddy list with the new additions while the site updates all (or a subset) of its PTT/M units with the user's mobile device ID. In the restaurant/bar example, site PTT/M units may include a host/hostess, a waiter/waitress, a bartender, etc. Once the affected PTT/M units have had their buddy lists updated, normal PTT/M communications between or among any of the PTT/M units can occur. Since the buddy lists are presently maintained on a PTT/M server, all updates to mobile device and PTT/M unit buddy lists are performed by and updated in the PTT/M server.”

Paragraph 20 of the present application discloses “A site PTT/M unit 510 can contact an individual mobile device 520 and vice-versa. Such communications can be used, for instance, to summon a waiter, place a food order, place a drink order, request the check, etc. In addition, push-to-media (PTM) can be utilized if supported by the PTT/M units. PTM would allow individual mobile devices to text (or even picture) message an order or request to a specific restaurant (site) employee as opposed to voice communications.”

However, the Examiner was unable to find in paragraphs 14, 19, or 20, or anywhere in the specification, that “communications not being allowed between the visiting PTT/M equipped mobile device and other visiting PTT/M equipped mobile devices” as recited in independent claims 1 and 10.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1-5, 7-14, and 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Westman (US 2004/0082351 A1)** in view of **Gourraud et al (US 2004/0249949 A1)**.

Consider **claim 1**, Westman discloses a method of creating a temporary site dependent group for allowing communications among a visiting equipped mobile device and site based equipped devices while the visiting equipped mobile device is on-site wherein the equipped devices operate on one or more inter-communicable networks (read as mobile terminals are connected in a mobile network for the purposes of data transfer; abstract, paragraph 30), the method comprising: detecting when a visiting equipped mobile device is physically located (read as on entering conference room; paragraph 33) on-site (read as receiving the registration signal; paragraphs 33-39); registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device such that normal group communications can take place (read as the computer groups a user group consisting of all users who have registered; paragraphs 33-39); detecting when a visiting equipped mobile device goes off-site (read as leaves the area; paragraphs 40-41); de-registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device when the equipped mobile device goes off-site (read as deleting mobile terminals which leave the area; paragraphs 40-41); wherein two-way communications are allowed among the visiting equipped mobile device and the site based equipped devices while the visiting equipped mobile device is physically on-site, communications not being allowed between the visiting equipped mobile device and other visiting equipped mobile devices (The communication links of the mobile terminals 110 and 112 are open to receive broadcast messages from the transmitter/receiver 106; paragraph 33).



Although Westman discloses a method of establishing a user group amongst a plurality of mobile terminals, Westman fails to specifically disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications.

In related art, Gourraud et al disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications (abstract; paragraphs 12-25; A method for distributing PTT voice and multimedia messages to communities of subscribers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gourraud et al into the teachings of Westman so that people in the same PTT group can effectively allow the transmission of voice and multimedia information.

Consider **claim 10**, Westman discloses a system for creating a temporary site dependent push-to-talk/media group for allowing communications among a visiting equipped mobile device and site based equipped devices while the visiting equipped mobile device is on-site wherein the equipped devices operate on one or more inter-communicable networks (read as mobile terminals are connected in a mobile network for the purposes of data transfer; abstract, paragraph 30) the method comprising: first discovery means for detecting when a visiting equipped mobile device is physically located (read as on entering conference room; paragraph 33) on-site (read as receiving the registration signal; paragraphs 33-39); registration means for registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device such that normal group communications can

take place (read as the computer groups a user group consisting of all users who have registered; paragraphs 33-39); second discovery means for detecting when a visiting equipped mobile device goes off-site (read as leaves the area; paragraphs 40-41); de-registration means for de-registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device when the equipped mobile device goes off-site (read as deleting mobile terminals which leave the area; paragraphs 40-41); wherein two-way communications are allowed among the visiting equipped mobile device and the site based equipped devices while the visiting equipped mobile device is physically on-site, communications not being allowed between the visiting equipped mobile device and other visiting equipped mobile devices (The communication links of the mobile terminals 110 and 112 are open to receive broadcast messages from the transmitter/receiver 106; paragraph 33).

Although Westman discloses a method of establishing a user group amongst a plurality of mobile terminals, Westman fails to specifically disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications.

In related art, Gourraud et al disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications (abstract; paragraphs 12-25; A method for distributing PTT voice and multimedia messages to communities of subscribers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gourraud et al into the teachings of Westman so that people in the same PTT group can effectively allow the transmission of voice and multimedia information.

Consider **claims 2 and 11**, and **as applied to claims 1 and 10 above, respectively**, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device is physically located on-site comprises sensing the visiting PTT/M equipped mobile device using Bluetooth technology. (Westman: paragraphs 28 and 33)

Consider **claims 3 and 12**, and **as applied to claims 1 and 10 above, respectively**, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device is physically located on-site comprises sensing the visiting PTT/M equipped mobile device using 802.11 WiFi technology. (Westman: paragraphs 30 and 50-51)

Consider **claims 4 and 13**, and **as applied to claims 1 and 10 above, respectively**, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device is physically located on-site comprises sensing the visiting PTT/M equipped mobile device using IrDa infra-red technology. (Westman: paragraphs 30 and 50-51)

Consider **claims 5 and 14**, and **as applied to claims 1 and 10 above, respectively**, Westman, as modified by Gourraud et al, disclose the method and system of the claimed

invention wherein detecting when a visiting PTT/M equipped mobile device is physically located on-site comprises sensing the visiting PTT/M equipped mobile device using location based services. (Westman: paragraphs 33 and 41-42; Gourraud et al: paragraph 36-39, 43-44)

Consider **claims 7 and 16**, and **as applied to claims 1 and 10 above**, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein registering the visiting PTT/M equipped mobile device with the site based PTT/M equipped devices and the site based PTT/M equipped devices with the visiting PTT/M equipped mobile device such that normal group PTT/M communications can take place comprises: on the site based PTT/M equipped devices PTT/M network server, adding the visiting PTT/M equipped mobile device ID (read as user identify; paragraph 33-39, 43-44; Gourraud et al: paragraph 36-39); and on the visiting PTT/M equipped mobile device PTT/M network server, adding site based PTT/M equipped device IDs (paragraphs 33-39; Gourraud et al: paragraph 36-39, 43-44).

Consider **claims 8 and 17**, and **as applied to claims 1 and 10 above**, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein de-registering the visiting PTT/M equipped mobile device from the site based PTT/M equipped devices when the visiting PTT/M equipped mobile device goes off-site comprises: on the site based PTT/M equipped devices PTT/M network server, removing the visiting PTT/M equipped mobile device ID (paragraphs 40-41); and on the visiting PTT/M

equipped mobile device PTT/M network server, removing the site based PTT/M equipped device IDs (paragraphs 40-41).

Consider **claims 9 and 18**, and **as applied to claims 8 and 15 above, respectively**, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein the visiting PTT/M equipped mobile device will be de-registered after a specified period of time if it cannot be detected when the visiting PTT/M equipped mobile device has gone off-site. (paragraphs 40-41)

**Claims 6 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Westman (US 2004/0082351 A1)** in view of **Gourraud et al (US 2004/0249949 A1)** and in further view of **Tranchina et al (US 2003/0080897 A1)**.

Consider **claims 6 and 15**, and **as applied to claims 5 and 14 above, respectively**, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention except for wherein the location based services include the global positioning system (GPS).

In related art, Tranchina et al disclose the method and system of the claimed invention except for wherein the location based services include the global positioning system (GPS). (paragraph 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Tranchina et al into the teachings of Westman and Gourraud et al to be able to identify when a mobile terminal enters a user group.

***Conclusion***

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipoor whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Art Unit: 2618

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Bobbak Safaipoor/  
Examiner, Art Unit 2618

April 12, 2008

/Matthew D. Anderson/  
Supervisory Patent Examiner, Art Unit 2618